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ATTORNEYS FOR PLAINTIFF,
KARL JONES

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

KARL JONES, An Individual,)	CIVIL ACTION FILE
)	NO. '11CV1450 W JMA
Plaintiff,)	
)	COMPLAINT AND DEMAND
)	FOR JURY TRIAL
vs.)	
)	(CIVIL RIGHTS)
)	
THE COUNTY OF SAN DIEGO, CALIFORNIA))	
SAN DIEGO COUNTY SHERIFF'S DEPART-)	
MENT; COUNTY SHERIFF DOE 1; COUNTY))	
SHERIFF DOE 2; and DOES 1 Through))	
100, Inclusive,)	
)	
Defendants.)	

The Plaintiff for causes of action against the Defendants
and each and all of them allege on information and belief as
follows:

FIRST COUNT
(Unconstitutional Invasion Of Rights,
Privileges And Immunities Guaranteed
By The United States Constitution.)

1 1. At all times herein mentioned, Plaintiff was a resident
2 of El Cajon, California, in the County of San Diego, and in the State
3 of California, U.S.A. Plaintiff also was a full time stay at home
4 father of two young children, Kaelyn (12/12/06 age 2) and Kai (8/11/08
5 age 1). Plaintiff who had recently graduated from college with a
6 Certified Nursing Assistant degree and license and who was at all
7 times herein mentioned supporting his family by his care giving for
8 his children, suffered the abridgment of his Constitutionally
9 protected rights and civilly protected rights against wrongful seizure
10 and detention and protection against racial discrimination when those
11 rights were abridged by the Defendants acting abusively under color
12 of state law and authority without due process of law as is
13 hereinafter more fully set forth. Plaintiff's children were also
14 wrongfully kidnaped through the conspiracy of the Defendants also
15 under color of law further depriving Plaintiff without due process of
16 the law of his protected right to the free enjoyment and unabridged
17 access and immunity from abridgement to his free enjoyment of his
18 life, liberty and pursuit of happiness concerning the safety and
19 sanctity of his family and property all in a discriminatory manner
20 based in significant part upon his African American ancestry and
21 descent as is hereinafter more fully set forth.

22 2. Defendants are THE COUNTY OF SAN DIEGO, THE SAN DIEGO COUNTY
23 SHERIFF'S DEPARTMENT and their officers and agents, specifically
24 including but not limited to COUNTY SHERIFF DOE 1 AND COUNTY SHERIFF
25 DOE 2 and DOES 3 Through 5 (hereafter collectively referred to as
26 "SHERIFF DEFENDANTS") and DOES 6 through 100, whose names and identi
27
28

1 ties are presently unknown to the Plaintiff, who is presently unaware
2 of their true names, capacities and positions as well as of the true
3 names and positions of the various County Officers, agents and
4 employees who established and approved the policies and practices
5 followed by the SHERIFF DEFENDANTS as is hereinafter more fully set
6 forth. Plaintiff accordingly begs leave of this Court to amend this
7 Complaint to set forth the true names, capacities and offices of the
8 various County officers, employees and agents when their identities
9 have become known to Plaintiff through discovery and otherwise herein.

10 3. All Defendants including all Doe Defendants 1 through 25
11 herein mentioned were acting in and for THE COUNTY OF SAN DIEGO, under
12 color of their authority as subdivisions of the State of California
13 and as County Peace Officers and under color of the statutes,
14 regulations, customs, and usages of the State of California, the
15 County of San Diego, and the officers of the County Sheriff of San
16 Diego County, respectively. Plaintiff is further informed and
17 believes and thereon alleges that the hereinabove named Defendants
18 were, in doing all of the things hereinafter set forth by the entirety
19 of this Complaint, acting pursuant to the approved and official law
20 enforcement policies of the Defendant, COUNTY OF SAN DIEGO MUNICIPAL
21 GOVERNMENT as created by various County Officials acting under color
22 of their authority as such County Officers.

23 4. This action arises under the Civil Rights Act of 1871 (42 USC
24 §1983) as well as under the 1968 Civil Rights Act (42 USC §3604) as
25 hereinafter more fully appears. This Court has jurisdiction under 28
26 USC §1343 as well as under 42 USC §3612.

1 5. Plaintiff is not informed of the true names and capacities of
2 the Defendants sued herein as Does 1 through 100, inclusive, and
3 therefore sues these Defendants by such fictitious names. Plaintiff
4 will amend this Complaint to allege their true names and capacities
5 when the same have been ascertained. Plaintiff is informed and
6 believes and thereon alleges that each of the Defendants was the
7 agent, servant or employee of each of the other Defendants in doing
8 the acts herein alleged and that each of the Defendants was the agent,
9 servant or employee of each of the other Defendants in doing the acts
10 herein alleged. Said Doe Defendants together with Defendants COUNTY
11 OF SAN DIEGO and THE COUNTY OF SAN DIEGO SHERIFF'S DEPARTMENT are
12 hereinafter collectively sometimes referred to as "DEFENDANTS".

13 6. On September 1, 2009, at El Cajon, California, while acting
14 in a lawful and peaceable manner and while in his home in El Cajon,
15 California, Plaintiff, an adult male of African American descent, was
16 intentionally and wrongfully, by and through the operation of
17 coordination and conspiracy among the Defendants, unlawfully and
18 unconstitutionally seized and detained by Doe Defendants 1 through 5
19 acting in concert with THE COUNTY OF SAN DIEGO Defendants, and the
20 COUNTY OF SAN DIEGO'S SHERIFF'S DEPARTMENT and Does 26 through 50,
21 forced to leave his home without cause and sit on a curb or in the
22 back seat of a Sheriff's squad car for hours in his underwear, not
23 allowed to stand while seized and forced to sit on a curb, while said
24 Defendants acting in coordination and conspiracy with Does 1 through
25 50, removed his personal property from his home and kidnap his two
26 young children from him and out of the State of California, all

1 without court order, just cause or reason other than to deprive him
2 of his right to the free enjoyment and access to his life, liberty and
3 pursuit of happiness all in a discriminatory manner based in
4 significant part on the fact of his African American ancestry. Officer
5 Doe 1 specifically expressed the desire to deprive Plaintiff of the
6 knowledge that his children were being removed from him and from the
7 State of California, namely being kidnaped from him with the aid and
8 support of the SHERIFF DEFENDANTS and Does 6 through 25, and each of
9 them, all without due process of the law and in flagrant violation of
10 Plaintiff's Constitutionally protected rights and protected civil
11 rights under the law of the land of the United States Of America.

12 7. Defendants' conduct in doing each of the things alleged by the
13 entirety of paragraph 6, supra, was intentional, illegal, wrongful,
14 without probable cause or due process of law and violated Plaintiff's
15 human and civil rights including his guaranteed Constitutional rights
16 to free speech, free association and assembly, right to be free from
17 unreasonable seizure of his person without probable cause or due
18 process of law, right to be free of deprivation of personal liberty
19 and property without probable cause or due process of law, as well as
20 abridgment of his privileges and immunities as a citizen of the United
21 States of America as guaranteed to Plaintiff by the Fourteenth
22 Amendment of the United States Constitution as that Amendment
23 incorporates the Bill of Rights to the United States Constitution.

24 8. Defendant's hereinbefore said intentional and wrongful conduct
25 also constituted an offensive and injurious shock and insult to
26 Plaintiff in a cruel and unusual manner causing great shock and injury
27

1 to Plaintiff and to his physical and emotional being in a cruel and
2 unusual manner causing personal injury to Plaintiff both somatically
3 and emotionally.

4 9. As a direct and proximate result of the said Defendants'
5 illegal, unconstitutional and wrongful conduct, Plaintiff suffered
6 irreparable and permanent injury to his person as well as violated his
7 protected Constitutionally protected rights and legislatively
8 protected Civil rights in that sum as shall be proved at trial. As
9 a further direct and proximate result of said Defendants' illegal,
10 unconstitutional and wrongful conduct, Plaintiff was required to and
11 did incur attorney's fees and costs all to his damage to locate and
12 recover custody and visitation rights and find reunification with his
13 children in the sum of in excess of \$15,000.00 to successfully pursue
14 the location and recovery of his children and property.

15 10. Plaintiff believes and thereon alleges that in doing each
16 of the acts hereinbefore more fully alleged by paragraphs 6 through
17 9 supra, that Defendants, and each of them, are liable to Plaintiff
18 for punitive damages in the sum of \$10,000,000.00 or such other and
19 further sums as shall be proved at trial.

20 SECOND COUNT
21 (Violation of Civil Rights)

22 11. Plaintiff repeats, realleges and reavers each and all of the
23 allegations by Paragraphs 1 through 10, by the FIRST COUNT contained
24 as though set forth in full hereat.

25 12. In doing each of the acts more fully set forth by the FIRST
26 COUNT, Plaintiff believes and thereon alleges that each of the Officer
27 Defendants, while acting under color of the State Law as well as with

1 the approval and approbation of the County of San Diego and the County
2 of San Diego Sheriff's Department and its designated officers, agents
3 and employees as well as while acting within the established (written
4 and unwritten) policies of the Defendants including the County of San
5 Diego including its Sheriff's Department wrongfully detained and
6 seized Plaintiff in significant part for the reason that he was of
7 African American descent and ancestry and is hereinbefore more fully
8 set forth.

9 13. The acts of the Defendants, and each of them, were
10 discriminatory to Plaintiff and such discrimination was because of
11 Plaintiff's African American ancestry and descent. Furthermore,
12 Plaintiff is informed and believes and thereon alleges that said
13 Defendants caused Plaintiff's seizure and detention for the additional
14 reason that Plaintiff expressed concern and distress over the manner
15 in which he was treated, seized, deprived of his liberty and pursuit
16 of happiness and freedom without apparent justification, just or
17 probable cause and without due process of law, all in violation of his
18 protected civil rights as aforesaid.

19 14. As a direct and proximate result of the said Defendants'
20 seizure and detention, while said Defendants aided and abetted the
21 kidnaping of Plaintiff's children and the conversion and theft of his
22 property, the Defendants are liable for damages in the manner and sum
23 as shall be proved at trial and as more fully set forth by paragraphs
24 9 and 10 of the FIRST COUNT which are incorporated herein as though
25 set forth in full hereat.

26 ////

THIRD COUNT
(Wrongful Abridgment Of Civil
Rights by Abuse Of Process)

15. Plaintiff repeats, realleges and reavers each and all of the allegations by Paragraphs 1 through 14, by the FIRST and SECOND COUNTS contained as though set forth in full hereat.

16. Plaintiff believes and thereon alleges that the Defendants, and each of them, wrongly seized and detained Plaintiff under the alleged policy and procedure to 'preserve the peace' when in truth and in fact said Defendants acted to abuse the process of said Defendants procedures and policies as part of an overall bias and prejudice against citizens of African American descent and ancestry in the communities that ring the south and west quadrants of the County of San Diego who are demographically of a greater population percentage and concentration of African American ancestry and descent causing the Defendants to adopt a prejudicial and abusive presence based on the biased and abusive rationale that citizens displaying African American ancestry and descent are innately more violent and uncivilized members of American society and San Diego County residents and citizens.

17. In doing each and all of the acts hereinbefore set forth by Paragraphs 6 through 9 supra, Plaintiff is informed and believes and thereon alleges that the Defendants, and each of them, are guilty of a wrongful, intentional and abusively malicious invasion of Plaintiff's constitutionally protected rights as well as of his civil rights within the meaning of Title 42 USC Section 1983.

18. As a direct and proximate result of said Defendants' seizure, detention and abridgment of Plaintiff's person, property and his right

1 to protect and enjoy his right to family and property, as is
2 hereinbefore more fully set forth, the Defendants are liable for
3 damages in the manner and sum as is hereinbefore more fully set forth
4 by the entirety of Paragraphs 9 and 10 of the FIRST COUNT which are
5 incorporated herein as though set forth in full at this point.

6 WHEREFORE, Plaintiff prays for damages against Defendants, and
7 each and all of them under all causes of action as follows:

- 8 1. For general damages in an amount subject to proof;
- 9 2. For special damages in an amount according to proof;
- 10 3. For exemplary damages in an amount according to proof;
- 11 4. For prejudgment interest pursuant to Civil Code Section 3291
12 (West, 2011);
- 13 5. For costs of suit herein incurred;
- 14 6. For such other and further relief as the Court may deem just
15 and proper.

16 DATED: May 16, 2011



PETER J. MUELLER, Attorney for
Plaintiff

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Jones, Karl

(b) County of Residence of First Listed Plaintiff Harris County, Texas
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Law Office Of Peter J. Mueller
950 Boardwalk, Suite 305
San Marcos, CA 92078-2639

DEFENDANTS

The County Of San Diego, California San Diego County Sheriff's Department, County Sheriff Doe 1, County Sheriff Doe 2 and Does 1 Through 100, Inclusive

County of Residence of First Listed Defendant San Diego County, CA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

'11CV1450 W JMA

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	FORIS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) SOCIAL SECURITY <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities' Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC §1983, 42 USC §3604

Brief description of cause:

Defendants violated Plaintiff's civil rights

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/06/2011

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____